

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS

\_\_\_\_\_  
DONALD C. HUTCHINS

Plaintiff

v.

CARDIAC SCIENCE, INC.

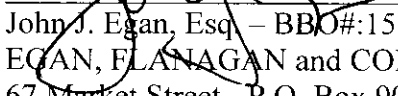
Defendant  
\_\_\_\_\_

Civil Action: 04-30126-MAP

**NOTICE OF WITHDRAWAL OF MOTION TO DISMISS PLAINTIFF'S AMENDED  
COMPLAINT FOR FAILURE OF SERVICE OF PROCESS**

Compliant Corporation ("Compliant") hereby withdraws its Motion to Dismiss Plaintiff's Amended Complaint for Failure of Service of Process (the "Motion"), which was filed with this Court on February 3, 2005. The Motion is withdrawn in light of the fact that, subsequent to the filing of the Motion, Plaintiff served a Request for Waiver of Service of Process dated March 15, 2005, which Waiver was executed and returned by a duly-authorized representative of Compliant Corporation. Compliant has since filed its Answer to Plaintiff's Amended Complaint and Counterclaim.

Respectfully submitted,

  
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Attorneys for Compliant Corporation

**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Withdrawal of Motion to Dismiss Plaintiff's Amended Complaint for Failure of Service of Process is being served via first-class mail this 7<sup>th</sup> day of June, 2005:

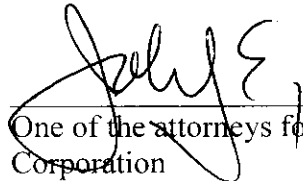
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One of the attorneys for Compliant  
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